

REMARKS

Applicants submit the above "Amendments To The Claims" and "Amendments To The Title" sections of the Non-Compliant Amendment filed on February 24, 2004 via certificate of mailing. Applicants also submit the attached substitute sequence listing of the Non-Compliant Response filed on July 23, 2001 via certificate of mailing. In accordance with 37 C.F.R. 1.121(h), Applicant's re-submit only the non-compliant portions of the February 24, 2004 and July 23, 2001 papers.

I. Status of the Claims

Claims 40, 41, 43, 44, 46-49, 51-56, 58-75, 80, 81, 84, 85 and 88-110 are pending in the present application, with claims 43, 44, 48, 49, 51, 55, 56, 58-75, 80, 81, 84, 85 and 88-104 withdrawn from consideration and claims 40, 41, 46, 47, 52-54 and 105-110 ready to be examined on the merits.

II. Amendments to the Title

Applicants submit the above "Amendments To The Claims" section of the Non-Compliant Amendment filed on February 24, 2004 via certificate of mailing. Applicants have amended the title to recite "CHEMOKINE PANEC-1 POLYNUCLEOTIDES" as suggested by the Examiner.

III. Amendments to the Claims

Applicants submit the above "Amendments To The Claims" section of the Non-Compliant Amendment filed on February 24, 2004 via certificate of mailing. Applicants have corrected the amendments to claim 40, part b), subpart ii) as suggested by the Examiner.

IV. Issues Related to the Sequence Listing

The Examiner asserts that "the July 25, 2001 filing reveals that SEQ ID NO: 1 is cited as containing 289 nucleotides in the length filed therein and therefore also is

non-responsive to said previous office action." Applicants note that the response was filed July 23, 2001 via certificate of mailing.

Attached are a Substitute Sequence Listing, a computer readable diskette, and a Sequence Statement. The Substitute Sequence Listing states that SEQ ID NO: 1 contains 291 nucleotides in the length field therein.

V. Conclusions

The present submission places the February 24, 2004 and July 25, 2001 papers in compliance. If it is felt that a telephone interview would advance the prosecution of the present application, the Examiner is invited to contact the undersigned by telephone

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

8/2/04
Date

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 945-6142

Facsimile: (202) 672-5399

Eve L. Frank
Eve L. Frank
Attorney for Applicant
Registration No. 46,785